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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,783	08/28/2001	Brian J. Petryna	PETRYNA 8	3916
27964	7590	03/07/2006	EXAMINER	
HITT GAINES P.C. P.O. BOX 832570 RICHARDSON, TX 75083			LEE, ANDREW CHUNG CHEUNG	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,783

Applicant(s)

PETRYNA, BRIAN J.

Examiner

Andrew C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/03/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. (US 6760324 B1) in view of Vander Meiden (US 6553116 B1).

Regarding claims 1, 8, 15, Scott et al. disclose the limitation of a system, method, computer for automatically initiating a telephone call over a computer network (Abstract, lines 1 – 6; Fig. 2, elements 202, 205, 207, 210, 215, 220, 205, 291), comprising: an address interceptor, associated with a station of a circuit-switched telephone network (Fig. 2, elements 220, 210, gateway server, column 8, lines 37 – 44; element 291, 292 “an ordinary telephone coupling to PSTN”; element 205, “PSTN”; column 11, lines 45 – 55), that receives calling number identification signals from said circuit-switched telephone network via a first telephone call (column 53, lines 51 – 58, the element “Caller ID information is calling number identification signals from said circuit-switched telephone network; column 61, lines 1 – 8) and, Scott et al. do not disclose expressly extracting

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therefrom a destination address for a subsequent telephone call. Vander Meiden discloses the limitation of extracting therefrom a destination address for a subsequent telephone call (column 5, line 17 – 21; the element recited “extracted the called or terminating party’s telephone number from the received call connect message”). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Scott et al. to include an extracting therefrom a destination address for a subsequent telephone call such as that taught by Vander Meiden in order to provide a system and method of call setup and call connect messages which are ISDN (Q.931) call setup and call connect messages, and also the call setup and call connect messages are ToL H.323 compliant call setup and call connect messages (as suggested by Vander Meiden, see column 2, lines 10 – 14).

and a network call initiator, coupled to said address interceptor and associated with a computer network terminal that employs said destination address to automatically initiate said subsequent telephone call to said destination address via said computer network terminal (column 7, lines 12 – 15; element “network lines” ; column 59, lines 60 – 65; column 61, lines 41 – 45; lines 17 – 19; lines 25 – 55; column 70, lines 15 – 35).

Regarding claims 2, 9, 16, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said calling number identification signals and said destination address are associated with a single location (column 53, lines 51 – 58; column 61, lines 1 – 9).

Regarding claims 3, 10, 17, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said destination address is selected from the group consisting of: a telephone number (column 69, lines 37 – 41; column 70, lines 2 – 8), an

Internet Protocol address (column 39, lines 16 – 17), a Voice over Internet Protocol (VoIP) gateway address (column 11, line 52; column 74, lines 3 – 5), and a VoIP gateway address combined with a telephone number (column 73, lines 41 – 56; lines 66 – 67; column 74, lines 1 – 5).

Regarding claims 4, 11, 18, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said computer network is the Internet (Fig. 1B, element 120; Fig. 2, element 215; column 1, lines 56 – 57).

Regarding claims 5, 12, 19, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said station leaves unanswered a call transmitting said calling number identification signals (column 53, lines 43 – 47; lines 51 – 58, elements Unanswered Rings, Caller ID information can be associated with each port of the MSI/SC).

Regarding claims 6, 13, 20, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said calling number identification signals are associated with a second station, said second station hanging up after a predetermined number of unanswered rings (column 50, lines 38 – 40, lines 43 – 46 'wait for maximum number of rings on the outbound call before it gives up, outbound call recited as to the second station; column 53, lines 43 – 47).

Regarding claims 7, 14, 21, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said station and said computer network terminal are embodied in a computer (Fig. 2, elements 210, 220; column 6, lines 38 – 42) and wherein a single telephone line alternatively couples said station to said circuit-switched telephone network (Fig. 2, elements 201, 202, 205; column 6, lines 30 – 36) and said

computer network terminal to said computer network (Fig. 2, elements 293, 215; column 4, lines 9 – 17, personal computers , to be on the same local area network (LAN) as long as they are connected via an IP network).

Conclusion


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL

Feb 24, 2006


RICKY Q. NGO
SUPERVISORY PATENT EXAMINER